

COMMITTEE ON AGRICULTURE

ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION - 2012

SUMMARY AND REPORT OF DISPOSITION OF LEGISLATION REFERRED TO THE COMMITTEE

Agriculture Committee Members

Senator Tom Carlson, Chair
Senator Norm Wallman, Vice-Chair
Senator Dave Bloomfield
Senator Lydia Brasch
Senator Burke Harr
Senator Russ Karpisek
Senator Tyson Larson
Senator Steve Lathrop

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STATUS REPORT BY BILL NUMBER

2011 session carryover bills with change of disposition in 2012 session

LB #	Primary Introduce r	One-Line Descripti on	Hearing Date	Dispositi on	Amends Adopted	Amends Pending	Comment
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LB 427	Cornett	Change requirements for dog breeders under the Commercial Dog and Cat Operator Inspection Act	2/08/11	Enacted	AM1576 AM1670		
LB 459	Schilz	Limit adoption of law by local governments that conflict with legal status of animals as property	3/01/11	Enacted	AM720		
LB 473	Louden	Adopt the Black Tailed Prairie Dog Management Act	2/15/11	Enacted	AM782		

Bills read first time in 2012 session

LB #	Primary Introducer	Description	Hearing Date	Disposition	Amends Adopted	Amends Pending	Comment
LB 770	Carlson	Change provisions of the Nebraska Seed Law	1/17/12	Enacted			
LB 771	Carlson	Change provisions of the Nebraska Pure Food Act	1/17/12	Enacted	AM 1707 ER 170		
LB 884	Sullivan	Create the Ag Literacy Task Force	1/31/12	Held			See LR 511
LB 905	Carlson	Change provisions of the Nebraska Wheat Resources Act	2/7/12	Enacted	AM2197 ER 232		2012 session Ag Committee priority bill
LB 907	Carlson	Change provisions relating to tractor permitting and a sales tax exemption	2/14/12	Enacted			2012 session Bloomfield personal priority bill

LB 915	Larson	Change provisions relating to animal cruelty and create the offense of obtaining employment at an animal facility with intent to disrupt operations	1/31/12	Held			See LR 558
LB #	Primary Introducer	Description	Hearing Date	Disposition	Amends Adopted	Amends Pending	Comment
LB 927	Louden	Authorize cattle brands as official identification as described	2/14/12	Gen File		AM 2191	LB 927 as amended by pending AM 2191 amended into LB 1050 by AM 2746
LB 1057	Carlson	Change provisions of the Nebraska Corn Resources Act	2/7/12	Enacted	AM 2170 ER 233		2012 session Ag Committee priority bill
LB 1123	Council	Adopt the Nebraska Healthy Food Financing Initiative Act	2/14/12	Held			

BILLS ENACTED AND SIGNED BY THE GOVERNOR

LB 427 (Cornett) Change provisions of the Commercial Dog and Cat Operator Inspection Act

Date of Public Hearing: 2/08/11

Date Reported from Committee: 5/25/11

Committee Amendment: AM1576

Other Adopted Amendments: AM 1670, ER165

Effective Date: October 1, 2012

LB 427 amends the Commercial Dog & Cat Operator Inspection Act (54-625 – 56-643) by inserting certain new minimum statutory standards of care, housing and operating procedures that would apply to commercial dog breeders. The bill as introduced further proposed to create a designation of outstanding breeder for facilities that meet both the minimum standards and additional performance standards. The primary substantive provisions of the introduced bill are found in sections 7 – 10 which are incorporated within the Commercial Dog and Cat Operator Inspection Act by section 2 of the bill. Sections 9 and 10 define standards applicable to all commercial dog breeders as follows:

Section 9 -- Enumerates a series of health care standards including that breeders shall meet the following:

- ☒ Provide responsible medical care including the keeping of accurate breeding records;

- ☒ Perform regular health assessment not less frequently than every sixty days, and that observed body condition and functional characteristics are noted in health records;
- ☒ Identify breeding animals by microchip with identification coding maintained with health records;
- ☒ Provide veterinary examination, including a dental exam, of each dog over six months of age at least once every three years (breeders are to maintain a health plan prepared on forms provided by the Department with each animal's health records);
- ☒ Regular inspections by the department shall include examination of random sampling of at least 5% of health records of breeding dogs for compliance with health records and accurate correspondence to microchip identification;
- ☒ Breeding females may not be bred more frequently than once a year and not prior to 12 months of age or beyond 8 years of age unless by written exception by a licensed veterinarian after examination;
- ☒ A veterinarian shall be consulted without delay for serious or life threatening injury or medical condition, and treated as prescribed;
- ☒ Ear cropping, and surgical births and other surgical procedures may be performed only by a veterinarian -- tail docking and claw removal shall be performed within the first five days and dates of such procedures noted in health records;
- ☒ Euthanasia are performed by a licensed veterinarian;
- ☒ Each dog is groomed at least monthly.

Section 10 – Enumerates a series of standards for primary enclosures as follows:

- ☒ Prescribes minimal solid surface floor size to enable space for dogs to lay down and turn about without touching another dog. Any solid surface shall be constructed not to sag and be readily cleanable. Non solid portions of a primary enclosure floor are required to be of a material that does not allow dogs' feet to fall through.
- ☒ Primary enclosures shall permit free access to an exercise area of at least 10 times the size of the primary enclosure. Access may only be restricted as directed by a veterinarian or for inclement weather. Such access area and surface material shall also comply with minimal floor area and construction specifications.
- ☒ Each dog shall be provided a program of at least twice daily exercise outside its primary enclosure. Such program may be suspended due to inclement weather unless such suspension is in conflict with the veterinary care plan for the animal. Exercise areas are to be kept clean, in repair and free of defects that could cause injury.
- ☒ Expectant or nursing females may be exercised separately from other dogs.
- ☒ Tethering or chaining is not permitted in lieu of a primary enclosure.
- ☒ The breeder's facility shall have a heating and cooling system and not exceed prescribed extremes of temperature,

As introduced, LB 427 provided that existing breeder facilities shall have until July 1, 2016 to comply with the minimal requirement that primary enclosures have access to exercise areas and to provide an exercise program.

Sections 7 & 8 would have created an "outstanding breeder" designation program. Section 7 directs that the Department shall publish online designated breeders and present such breeders with appropriate written certification of the designation. Section 8 prescribes standards for breeders to meet the outstanding designation, as follows:

- ☒ The breeder's facility shall have a heating and cooling system and not exceed prescribed extremes of temperature;
- ☒ Successfully pass all inspection components and comply with all health recordkeeping and exercise requirements;
- ☒ Females are not bred more frequently than once in an 18-month period unless the dog is given a veterinary examination and the veterinarian gives written approval;
- ☒ Dogs are housed in a primary enclosure that is twice the minimal floor space requirement and meets other space and flooring specifications;
- ☒ Each dog is provided mental stimulation to include interaction with humans and other dogs, and toys or other environmental enrichment;
- ☒ All flooring of exercise areas shall be ground or solid surface;
- ☒ Ammonia orders are controlled to not exceed 4 parts per million;
- ☒ Each dog is bathed at least twice per year and matting is minimal.

The definition of a commercial breeder found in 54-626 is revised by Section 2 of the bill to distinguish commercial dog from commercial cat breeders. The new minimal facility and care standards and requisites for meeting outstanding breeder designation set forth in sections 7 – 10 apply only to commercial dog breeders. Existing statutory facility and care standards prescribed in section 54-640 and 54-641 of the Act are clarified as necessary to apply only to cat breeders where more stringent standards for dog breeders are prescribed elsewhere in the bill. Because of the definitional distinction now made between dog and cat breeders, non-substantive harmonization is inserted into sections 54-627, pertaining to requirements for licensure, and 54-637, pertaining to duties of breeders to provide spaying and neutering information, as well as in 54-645 and 54-646 of the Pet Purchase Protection Act to continue duties that apply to both dog and cat breeders. The bill also contains revisors removal of superfluous listings of various licensure categories throughout the act that are not related to the substantive purpose of the bill.

Committee Amendment:

The committee amendment (AM1576) as modified by AM1670 adopted on general file strikes the original provisions and becomes the bill. A number of the substantive elements of the original bill are omitted, altered or rearranged as indicated below.

The primary revisions relate to veterinary and exercise standards applicable to commercial dog breeders. The bill retains applicability of facility and care standards of 54-640 and 54-641 to commercial dog breeders, with conforming revisions as necessary to changes elsewhere in the bill. The amendment would not require individual animal vet care plans and omits various associated recording duties contained in the original bill. However, the amendment sets forth statutory standards for facility vet care plans required under 54-640 for commercial dog breeders to include the following statutory elements:

- ☒ Codifies existing regulation that requires maintenance of individual health records for each dog (except that litter health records may be maintained where applicable).
- ☒ Codifies existing regulation that vet care plans include a health maintenance program including elements of disease and parasite control, nutrition, and euthanasia, etc. supervised by the attending veterinarian. Such program shall include regularly scheduled visits to facility by attending veterinarian. Current law requires health maintenance programs to be updated annually. The amendment specifies that such program be updated annually at the time of on-site visit with walk-through and observation of dogs by the attending vet.
- ☒ A basic physical and dental examination by a veterinarian of each breeding dog is to be performed no less frequently than once every three years. Such exam may exclude lab analysis unless directed by veterinarian.

As amended by AM 1670, the adopted committee amendment was modified to clarify when a standard is to be conducted by or in consultation with the attending veterinarian for the facility or when the activity can occur utilizing any licensed veterinarian. The amendment further substitutes consistent terminology to refer to the universe of animals subject to certain veterinary care requirements to make consistent with the preexisting veterinary care standards of 007.02 of the Department's regulations and avoid multiple terms referring to same group of animals. The Committee Amendment made other secondary revisions to the care standards of the original bill, including:

- ☒ Sets forth a standard for identification as a separate section under what becomes section 10. Identification by microchip is established as the standard. Dogs identified by other approved means on the effective date and existing licensees' continued utilization of other approved means are grandfathered. The ID is to be recorded in dog's corresponding health record.
- ☒ Omits ear cropping as a procedure that must be performed by a vet and extends the period for performing dew claw removal and tail docking to 7 days.
- ☒ Replaces a requirement for monthly grooming with a performance standard that matting not exceed 10%.
- ☒ Requires euthanasia to be performed by a veterinarian according to humane recommendations of the American Veterinary Medical Association.
- ☒ Breeding frequency restrictions are omitted.

As modified by AM 1670, the adopted committee amendment makes a clarifying change to section 10 of the committee amendment that would require microchipping for ID requirements except where grandfathered. Current regulations allow for microchipping to satisfy ID requirements and currently allow the Department to order identification by tag or tattoo if the microchip device fails. This amendment clarifies that the Department will continue to have that enforcement option as microchipping is phased in as the ID standards under the bill. AM 1670 modifications of the committee amendment rewrote a series of veterinary standards inserted as subsections (3) through (6) of section 9 of the committee amendment. These subsections are rewritten as subdivisions (a) through (d) of subsection (3). The revision is to avoid repeated recurrence of ambiguous and differing terminology for animals subject to such requirements.

The committee amendment sets forth those provisions pertaining to construction and design of primary enclosures relating to the purpose of assuring dogs have exercise opportunity as a separate section. As amended, section 8 of the bill would set forth requirements for commercial dog breeders essentially replacing the exercise standard currently located in 54-640. Section 8 inserts a facility standard that new construction of primary enclosure facilities provide free access to an exercise area at least three times the size of a primary enclosure. Existing housing facilities would be grandfathered for the life of the facility but provides that dogs not housed in a primary enclosure that allows free access to an exercise area shall be provided opportunity for exercise as prescribed.

The amendment makes other secondary revisions to the facility standards contained in the original bill, including:

- ☒ Eliminates any requirement for solid surface area of primary enclosures. AM1576 retains applicability of 54-641 prescribing size and structural standards of primary enclosures. Sections 5-6 of the amendment revise 54-640 and 54-641 to consolidate provisions of 54-640 regarding primary enclosures into 54-641. Existing size and structural standards for primary enclosures are retained except to add specification that enclosures allow sufficient size to enable movements without touching another dog.
- ☒ Eliminates requirements for minimal solid surface area of exercise area but replicates standards of primary enclosures found in 54-641 that any non-solid surface area conform to flooring surface material and structural standards to protect dogs feet from injury. Retains that dogs in exercise area be provided protection from weather

- elements but clarifying that access to primary enclosure satisfies this requirement.
- ☒ Enumerates exemptions from housing or alternative exercise opportunity for pregnant and nursing females, puppies under six weeks and dogs showing signs of illness. AM 1670 modified this provision of the committee amendment by rewriting these provisions for style and clarity by keeping what is the standard in subsection (1) of this section and then enumerating exceptions in subsection (2).
- ☒ Omits specific reference to tethering and omits temperature standards, essentially deferring to existing regulatory standards.

The committee amendment deletes the outstanding breeder certification program contained in original sections 7 and 8.

Finally, the committee amendment inserts a new section amending 54-630 by inserting a bad actor provision modeled after bad actor provision of Livestock Waste Management Act. Specifically, AM1576 authorizes the Department to deny an application for licensure if the applicant has been convicted of an animal cruelty/neglect offense in any jurisdiction, has held license in any jurisdiction that has been subject to license discipline, or falsifies or withholds any information on the application or supporting documentation. AM 1670 incorporates denial for bad actor grounds within existing procedures for appealing a license denial. The amendment also revises the bad actor provision with terminology to be consistent with existing regulations of the Department.

AM 1670 inserted a new defined term for “breeding dogs” to support instances where that term is utilized for standards for veterinary care, identification and housing that are intended to apply only to the permanent breeding population. Finally, the amendment clarifies the method of calculating the license fee category of commercial breeders to be consistent with intention when the license fees were increased by LB 910 in 2010. It was intended that the fee category be based upon the population of permanent breeding animals and that it would be implemented in regulations. This amendment intends authority to enable the Department to promulgate appropriate policies.

The Committee amendment establishes an operative date of October 1, 2012 .

LB 459 (Schilz) Limit adoption of law by local governments that conflict with the legal status of animals as personal property

Date of Public Hearing: 3/01/11

Date Reported from Committee: 3/10/11

Committee Amendment: AM720

Other Adopted Amendments: AM308, ER24

Effective Date: July 19, 2012

Section 1 of LB 459 as introduced would insert a new section of statute prohibiting political subdivisions from enacting local ordinances, rules or proclamations that describe the relationship between humans and animals or that change the legal status of an animal. The bill enumerates entities included in the definition of political subdivision for purposes of the bill. Section 2 of the bill instructs the Revisor of Statutes to assign section 1 to Chapter 13, Article 4.

The adopted committee amendment (AM720) strikes original section 1 and inserts a new section 1 of the bill. The section restates the prohibition of the original bill that political subdivisions may not assign or define a legal status of animals that is inconsistent with animal’s status as personal property.

LB 473 (Louden) Adopt the Black-Tailed Prairie Dog Management Act

Date of Public Hearing: 2/15/11

Date Reported from Committee: 3/15/11

Committee Amendment: AM782

Other Adopted Amendments: AM491, ER25

Effective Date: July 19, 2012

LB 473 imposes an affirmative duty upon certain landowners and managers to prevent uncontrolled spread of colonies of black-tailed prairie dogs. The bill further assigns duties and authorities upon county boards of counties where black-tailed prairie dogs are present to carry out a program of black-tailed prairie dog management modeled closely after the Noxious Weed Control Act.

Designation and definitions:

Section 1 names sections 1 to 12 the Black-Tailed Prairie Dog Management Act

Section 2 defines key or recurring terms used throughout the act.

Duties of landowners and authorities of counties:

Landowners:

Section 4 imposes an affirmative duty upon persons owning or controlling land within a county that has adopted a prairie dog management program to prevent the spread of prairie dog colonies onto neighboring property.

Section 10 assigns the cost for managing prairie dogs on land owned or controlled by the state and political subdivisions to the governmental entity out of funds appropriated to the state entity or budgeted by the subdivision.

County Governments:

Section 3 -- Authorizes any county to adopt by resolution a prairie dog management program consistent with the Act.

Section 5 -- Counties that have adopted a management plan assume authorities and duties prescribed in the remainder of the Act, including:

- ☒ Employ personnel and expend funds for purpose of carrying out the responsibilities of counties;
- ☒ Cooperate with USDA/APHIS & other entities to develop a prairie dog management program and to carry out such program;
- ☒ Issue general and individual notices as provided in section 6;
- ☒ Examine property in the county for the presence of prairie dog colonies.

Enforcement actions authorized:

Section 6 prescribes two types of notices, general and individual, that may be utilized by counties to notify landowners of prairie dog management responsibilities and provides additional authorities to secure landowner compliance, or to carry out control activities without the cooperation of a landowner.

Subsection 1(b) provides for newspaper publication of general notices on or before May 1 of each year. General notices serve the public with notice of duty to manage prairie dogs but lack of publication of general notice is expressly declared not to relieve landowners of the duty to manage prairie dogs

Subsection 1(c) authorizes counties to serve individual notices upon the owner of record of properties having a prairie dog colony that is expanding onto adjacent property when a county determines it is necessary to secure immediate management intervention on particular land.

Two types of enforcement notices are authorized pursuant to subdivisions (i) and (ii) of subsection 1(d) of this subsection. The form and content of either type of notice is prescribed to include the following common terms and disclosures:

- ☒ The county has information that an unmanaged colony is present on specified property and expanding onto neighboring property;
- ☒ The date of the notice;
- ☒ Specific management actions to be taken;
- ☒ That the landowner is to provide notice and evidence to the county board within sixty days of the notice that management action has occurred or has been arranged;
- ☒ Notice of enforcement action that may be taken if the landowner fails to comply;
- ☒ The landowner may, within 15 days of receiving individual notice, request a hearing before the county board to contest the notice.

The two types of individual notice that may be served as set forth in subsection 1(d) differ in the notice of enforcement action if a landowner fails to timely comply with the notice:

- ☒ That the landowner is subject to fine of \$100 / day for each day of non-compliance up to a maximum of \$1500; or
- ☒ That the county shall cause management activities to be performed upon the property and that the expense of such management action shall be at the cost of the property owner and becomes a lien against the property and collected as a special assessment levied upon the date of the management action.

The remaining portions of Section 6 assign duties and authorities to counties to implement enforcement actions specified in the individual notices, as follows:

Subsection (2) directs the county to hold an informal public hearing if timely request is received for hearing by a person served individual notice.

Subsection (3) authorizes counties to cause proper management methods to be performed upon properties whose owners have failed to timely comply with the corresponding individual notice and directs that the county notify the landowner of the cost of the control activity. The county board is directed to file notice of possible lien for unpaid assessments against the property with the register of deeds. If the landowner fails to reimburse the county board within two months, the county board shall certify the unpaid obligation, which becomes a lien against the property and collected as a special assessment levied upon the date of the management action.

Subsection (4) authorizes a county board to refer to the county attorney instances of non-compliance with the corresponding notice for prosecution as an infraction punishable by a fine of \$100 / day for each day of violation up a maximum of 15 days.

Subsection (5) clarifies that counties may pursue any available civil remedy apart from levy collection to recover the obligation, but pursuit of alternative means of collecting debt does not preclude satisfaction by tax foreclosure. Any amounts collected are to be deposited in the county's prairie dog management fund, if one exists, or to the county general fund.

Section 7 requires county boards to receive timely filed protests by landowners contesting the amount of any charge assesses against them under the Act, and to conduct a hearing.

Section 8 limits liability of the county board or its agents to actions for trespass or damage while performing duties and powers conferred to counties that have adopted a management plan.

Section 9 authorizes counties to establish a separate black-tailed prairie dog management fund for receipts and disbursement in carrying out management activities.

Animal Damage Control:

81-2,236 is amended by section 11 of the bill to expressly authorize the Director of Agriculture to cooperate with APHIS for control and management of black-tailed prairie dogs and to expand existing authorization for cooperation with other entities for animal damage control to expressly include control of prairie dogs.

Committee Amendment:

The committee amendment (AM 648) adopted on general file made the following revisions:

- ☒ Inserts a new subsection (2) within section 3 that prescribes elements of the management plan to include a finding of necessity, a listing of methods of management, and to specify that such management plan shall not conflict with any state plan for the management of prairie dogs or the Non-Game and Endangered Species Act, or state or federal recovery plan for the endangered or threatened species.
- ☒ Inserts a new subsection (3) of section 3 that reassigns an authority of counties in section 5 of the bill as introduced to cooperate and coordinate with state and federal wildlife and land management entities. The juxtaposition reinforces that consultation would occur in the plan development phase.
- ☒ Revises the defined term "person" in section 2 of the bill to exclude the federal government.

LB 770 (Carlson) Change provisions of the Nebraska Seed Law

Date of Public Hearing: 1/17/12

Date Reported from Committee: 1/20/12

Committee Amendment: none

Other Adopted Amendments: ER169

Effective Date: July 19, 2012

LB 770 is brought at the request of the Department of Agriculture to clarify a definition of noxious weeds and to incorporate an updated standard governing seed analysis protocols.

Section 1 amends the definition of primary noxious weed seed by removing the names of the specific weeds and only list that the term means the noxious weeds, as described in the Noxious Weed Control Act, 2-945.01 to 2-968. This would enable automatic agreement between those noxious weed seeds included in the definition when the list of noxious weeds is modified by the Department of Agriculture in the future. The language in this proposed legislation more closely mirrors the language in the Noxious Weed Control Act.

Section 2 amends the requirement that all seed sold is to be labeled based on tests performed using the January 1, 2012 version of the Rules for Testing Seeds adopted by the Association of Official Seed Analysts. Current law adopts the 1997 version of the rules. These rules establish the procedures to be used in the testing of seeds for determining

compliance with the labeling requirements of the Nebraska Seed Law.

LB 771 (Carlson) Change provisions of the Nebraska Pure Food Act

Date of Public Hearing: 1/17/12

Date Reported from Committee: 1/20/12

Committee Amendment: AM1707

Other Adopted Amendments: ER170

Effective Date: March 8, 2012

LB 771 is brought to update Nebraska Pure Food Act (81-2,239 to 81-2,292) in order to incorporate provisions and concepts contained in the 2009 Food Code. The Food Code provides a uniform system of regulation to ensure that food at retail is safe and properly protected and presented. It is updated periodically to incorporate regulatory experience and advancements in understanding means of mitigating risk factors for food borne illness. Nebraska is among the majority of states that incorporate the model provisions of the Food Code, a publication of the U.S. Public Health Service, Food & Drug Administration. The Nebraska Pure Food Act previously incorporated the provisions of the 2005 Food Code.

The Nebraska Pure Food Act is the primary body of state law regulating food establishments (groceries, restaurants, etc.) where food is prepared for and/or delivered to a final consumer. It establishes standards for sanitation, preparation, storage and accurate presentation of food items for the purpose of mitigating risk of foodborne illness. While most provisions of the Food Code are incorporated by reference directly, some provisions are adopted in modified form as set forth in sections of the Nebraska Pure Food Act, and some provisions may be omitted. Incorporation of the Food Code and related documents is accomplished under 81-2,239. Those provisions omitted are listed in 81-2,244.

SECTION-BY-SECTION SUMMARY:

Sec 1: Amends 81-2-239 to incorporate Section 7 of the bill into to the Nebraska Pure Food Act

Sec 2: Amends the definition of "Food Code" in 81-2,244 to incorporate by reference the 2009 Recommendations of the United States Public Health Service, Food and Drug Administration excluding listed provisions. Section 2 revises which sections of the 2009 Code are excluded from incorporation into the Nebraska Pure Food Act as follows:

Previously excluded Food Code sections no longer excluded:

Code section 2-102.11 – This provision of the Food Code pertains to demonstration of knowledge by the person in charge of a food establishment of food safety risks and mitigation, and understanding of regulatory requirements. Currently, this section is replaced by section 81-2,272.02 which contains similar requirements but does not enumerate the areas of knowledge the person in charge is expected to be proficient in. Because Code section 2-102.11 is no longer excluded, section 81-2,272.02 is obsolete and outright repealed by section 10 of the bill.

Code section 2-103.11(H) – This provision contains a duty of the person in charge to assure compliance with a requirement elsewhere in the Food Code for providing a consumer advisory regarding risks of consuming raw or undercooked meat. This section is currently excluded because it contains an internal reference to a section 3-603.11 of the Food Code that is currently excluded. LB 771 would no longer exclude Code section 3-603.11 and therefore exclusion of 2-103.11(H) is no longer necessary.

Code section 3-201.11(E) – This section refers to sourcing of steak cuts ordered by the customer to be served in an undercooked form, requiring that they be acquired from processors that identify the meat as cut from a whole-muscle intact source. This section also contains an internal reference to a Code section that is currently excluded. The referenced provision would no longer be excluded by LB 771.

Code section 3-301.11(A) – Section 3-301.11 sets forth standards for preventing food contamination by hand contact. Subsection (A) requires employees to wash hands according to procedures specified elsewhere in the Food Code. The remainder of the section limits when bare hand contact with food may occur and specifies a series of training and documentation requirements. Currently, Code section 3-301.11 is replaced by 81-2,272.10 which adopts the handwashing standards and the limitations on bare hand contact. Subsection (A) of this code section does not conflict and would no longer be excluded.

Code section 3-401.11(C)(2) – Code section 3-401.11(C)(2) sets forth time and temperature standards for cooking animal foods. Subsection (C)(2) allows an exemption for steak cuts ordered by the customer in raw or undercooked form provided the cuts are labeled as whole-muscle intact steak cuts in compliance with Code section 3-201.11(E). The referenced section is currently excluded from the Nebraska Pure Food Act. LB 771 would no

longer excluded the referenced section and it is therefore unnecessary to exclude this section.

Code Section 3-401(D)(2) – This section disallows serving food in raw or undercooked form if it is a “comminuted” meat ordered from a children’s menu.

Code section 3-603.11 – This provision of the Food Code provides for a consumer advisory that warns of the food safety risks of consuming raw or undercooked animal foods and specifies the content of the advisory. Currently, this provision is replaced by 81-2,272.17 that adopts the requirement for providing a consumer advisory but provides alternative specifications for the content of the advisory. LB 771 would no longer exclude 3-603.11 and therefore 81-2,272.17 is outright repealed by section 10 of the bill.

Code section 4-204.117 – This Code provision requires new dishwashing equipment installed after adoption of the standard to be equipped to automatically dispense detergents and sanitizers and to verify that such automatic dispensation has occurred. At the time this first appeared as a Food Code recommendation, dishwashing equipment that met this standard was not readily available to the industry.

Code section 4-302.12(B) – This Code provision requires food establishments to deploy specially designed thermometers for accurately measuring the temperature of thin foods (e.g. hamburger patties). At the time this first appeared as a Food Code recommendation, such devices were not readily available to the industry.

Code section 5-103.12 – This section requires food establishments to have water under pressure except temporary food establishments or in cases of interruption of the water supply. Code section 5-104.11 is a companion provision that specifies the means of obtaining water under pressure. 81, 2,272.31 currently replaces 5-103.12 and 5-104.11. Current law requires food establishments, except mobile food units and temporary establishments to have water under pressure by connection to a water main, to have permanent plumbing and at least one toilet. LB 771 would no longer exclude 5-103.12.

Previously incorporated Food Code sections excluded by LB 771:

Code Section 3-501.16 – This section specifies both hot and cold holding temperatures for potentially hazardous foods. The 2009 version of this Code requires potentially hazardous foods to be kept at 41 degrees and discarded after 7 days. The 2009 version omits a provision of the 2005 Code that allowed an option of storing foods at 45 degrees but discarding after 4 days. Section 7 of LB 771 would replace Code section 3-501.16 by retaining the option for storing at 45 degrees with the shorter discard period if stored in cooling equipment in use on the effective date of the bill. Section 7 would further specify installation and use of equipment capable of holding foods at 41 degrees when replacing existing coolers or upon transfer of ownership of a food establishment.

Sec 3: Uses the term “priority items” for what was formerly called “critical violations.” Several sections of the Act listed in this section are being repealed. Section 81-2,272.02 was replaced by 2-102.11 in the 2009 Code. Section 81-2,272.17 was deleted and replaced by 3-603.11 in the 2009 Code. Section 81-2,272.36 was deleted and replaced by 4-204.111 in the 2009 Code. Section 81-2,272.31(4) is replaced by 5-203.12. Section 5-203.12 is not considered a priority item in the 2009 Code.

Sec 4: Adopts the 2011 version of the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food found in 21 C.F.R. part 110. The only change from the 1999 version is an address change.

Sec 5: Clarifies that a food operation is not subject to the additional fee, if it has notified the regulatory authority that it is in operation prior to obtaining a permit. Clarifies that the annual fee for an operation is the same regardless of when the initial permit was obtained because they are not prorated.

Section 5 of the bill also revises the statutory maximum annual permit and inspection fees paid by regulated entities, and the additional fee for each additional food preparation area or push cart. LB 771 will continue a fee setting practice inserted into the Nebraska Pure Food Act that allows the Director to establish the fee annually within the statutory maximum. The fee is set annually according to a statutory formula that limits the annual fee revenues estimated to be raised to 107% of the cash fund appropriation and that will result in no greater than a 17% year-end carry over balance in the cash fund (i.e. 2-month reserve) The current fee maximums were set by LB 74 of 2007.

Section 5 as introduced also accelerated the late fee to one hundred percent (100%) of the permit and inspection fees due in the first month, rather than over a two month period. The committee amendment (AM 1707) struck the changes to the late fee provisions in section 5 of the bill thereby retaining the existing late fee penalty calculation.

Sec 6: Requires mobile food units and pushcarts to have copies of permits at the location of the mobile food unit or pushcart, in order for the inspectors to know that such a permit exists when the unit or pushcart is being inspected

Sec 7: Replaces 3-501.16 of the 2009 Code. The section is modified to allow existing refrigeration equipment to be used even if it is not capable of maintaining 41 degrees but can maintain 45 degrees. Subdivision B requires refrigeration units that cannot maintain 41 degrees to be upgraded upon replacement of the equipment or upon change of ownership of the establishment. Section 81-2,272.24 of the Act, which replaced Food Code section 501.17 in

2007, allows foods to be kept at 45° for four (4) days rather than the seven (7) days if held at 41°.

Sec 8: Adopts the 2011 version of the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food found in 21 C.F.R. part 110. The only change from the 1999 version is an address change.

Secs 9 & 10: Repealers

Sec 11: An emergency clause is added so the new annual inspection and initial permit fees are in law for the fiscal year 2012/2013.

LB 905 (Carlson) Change provisions of the Nebraska Wheat Development Act

Date of Public Hearing: 2/7/12

Date Reported from Committee: 3/1/12

Committee Amendment: AM2197

Other Adopted Amendments: ER232

Effective Date: Sections 6 & 12 – October 1, 2011, all other sections – July 19, 2011

LB 905 as introduced would amend the Nebraska Wheat Resources Act (2-2301 to 2-2321) to make a series of changes, as follows:

- ☒ Revises the wheat promotional checkoff assessment imposed under section 2-2311 to apply to a percentage of value rather than a fixed assessment per bushel. New defined terms for “net market price” and “net market value” are inserted in to Section 2-2303 by section 3 of the bill to support the new assessment methodology. The revisions to 2-2311 in section 6 of the bill would impose a statutory assessment rate of ½ of 1% of net market value commencing on the operative date of the act with authority for the Wheat Board to adjust the rate within a statutory maximum of ¾ of 1% of net market value. An operative date of July 1, 2012 is established by section 11 of the bill and the emergency clause is attached as section 13 to accommodate the July 1 start date.
- ☒ Amendments to Section 2-2317 in section 8 of the bill would restate the creation of the Nebraska Wheat Development, Utilization and Marketing Fund. The revisions continue the fund as the repository of checkoff assessments collected but expand revenues that are remitted to the fund to include gifts, grants and other non-checkoff revenues, and repayments to the fund including royalties and license fees.
- ☒ Section 9 of the bill amends 2-2318 to removes a limitation that research contracts entered into under the authority of the Act are limited to one-year duration.
- ☒ Inserts a number of nonsubstantive Revisers Office revisions throughout the Wheat Resources Act that correct internal references, delete obsolete text, and rewrite provisions for style and clarity.

The committee amendment (AM 2197) adopted on general file revised the assessment rate in section 2-2311 to 4/10th of 1% of net market value with authority for the Board to make future adjustments in the rate within a statutory maximum of 5/10th of 1%. The committee amendment struck the procedural specification regarding future adjustments in the assessment rate and further codifies that any adjustment be by rule promulgated in accordance with the Administrative Procedures Act.

The committee amendment strikes the July 1, 2012 operative date of the bill as introduced and establishes October 1, 2012 as the operative date for the commencement of the revised assessment. The remaining revisions would become operative on the effective date of the bill. This revision negated the need for the emergency clause which is omitted by the committee amendment. The committee amendment also strikes gifts and grants as revenues that may be placed in the cash fund but retains that the fund may receive repayments to the fund including royalties and license fees that may derive from Wheat Board sponsored research projects.

LB 907 (Carlson) Change Provisions Pertaining to Permitting Tractors

Date of Public Hearing: 2/14/12

Date Reported from Committee: 2/28/12

Committee Amendment: none

Other Adopted Amendments:

Effective Date: July 19, 2011

LB 907 changes the horsepower threshold of agricultural tractors subject to a mandatory permit requirement to be sold in Nebraska. The bill also confines a sales tax exemption for purchasers of agricultural machinery and equipment by limiting the exemption to permitted current tractor models.

Currently, the permit requirement applies to current tractor models defined by section 2-2701.01 as agricultural tractors

of 40 horsepower or greater. LB 907 amends 2-2701.01 revising the defined term “tractor” by striking a horsepower threshold to which the term applies to conform to changes elsewhere in the bill. Revisions to the definition of “tractors” in 2-2701.01 also incorporate an updated definition of agricultural tractors contained in the American Society of Agricultural and Biological Engineers (ASABE) standard S390.5s.

LB 907 removes the horsepower threshold in the definition but amends section 2-2701 to apply the mandatory permit requirement to current tractor models of 100 horsepower or greater but allow voluntary permitting of tractors below the 100 horsepower mandatory threshold. Section 2-2701 is further amended to clarify that purchase of an unpermitted tractor model is ineligible for the sales tax exemption for agricultural machinery found at 77-2704.36. Revisions to 77-2704.36 in section 6 of the bill make a parallel revision to that section to exclude current tractor models not permitted for sale in Nebraska.

Section 2-2710 is amended to limit a repurchase liability for the sale of unpermitted tractors to conform with revisions to 2-2701 that impose mandatory permitting only on tractors of 100 HP or greater. The section is further amended to require that claims for repurchase of tractors sold without a permit be brought within 2 years of the purchase. A similar 2-year limitation of claims for a repurchase liability for tractor models sold under temporary permit if the permit holder fails to meet the terms of the temporary permit by failing to provide a model for testing is inserted into section 2-2701.

The bill makes a series of non-substantive revisions throughout the tractor permitting statutes to eliminate obsolete text in section 2-2701, to correct an internal reference in 2-2706, and to 2-2707 to update a reference to the the UNL Department through which tractor test reports are available.

LB 1057 (Carlson) Change Provisions of the Nebraska Corn Resources Act

Date of Public Hearing: 2/7/12

Date Reported from Committee: 3/1/12

Committee Amendment: AM2170

Other Adopted Amendments: ER233

Effective Date: Sections 2 & 6 – October 1, 2011, all other sections – July 19, 2011

LB 1057, as introduced, amended the Nebraska Corn Resources Act (sections 2-3601 to 2-3635) to make a series of changes, as follows:

Section 1 of the bill amends 2-3602 to expand the existing statement of legislative findings and declaration of policy to declare a public policy and welfare interest in corn industry development and to designate the Nebraska Corn Board as the agent of the state of Nebraska to carry out this policy. Efforts by corn producers to finance and carry out market development programs are identified as consistent with and in furtherance of this policy.

Section 2-3623 currently levies a fee assessed upon marketings of corn not to exceed 4/10th cent per bushel. The revision made by section 2 of the bill would prescribe the fee at 5/10th of a cent. Additionally, new subsection (2) inserted into this section would authorize the Corn Board to make future adjustments of the fee in 1/10th cent increments within a statutory maximum of 1 cent per bushel. Any adjustment would require approval of a supermajority of the Board (minimum 7 of 9 voting members). New subsection (3) would proscribe procedure in the event of increases in the fee by requiring a public meeting in each of the eight Board Districts subject to notice and informational requirements, before the Board could vote upon a motion to increase. As introduced, LB 1057 outright repeals section 2-3527 which prescribes a procedure for temporary reductions in the assessment rate which is made obsolete by revisions to section 2-3623 in section 2 of the bill.

Section 3 of the bill amends section 2-3632 to restate that it is a duty of the Board to prepare and make available an annual report rather than to “make and publish” such report. Revisions to this section would not require the report to contain a full text copy of each contract expending checkoff funds but only a description of the contracts. Full text copies of contract would be available upon request.

Section 2-3633, which creates the Nebraska Corn Development, Utilization and Marketing Fund, is revised by section 4 to expand revenues that are remitted to the fund to include gifts, grants and other non-checkoff revenues, and repayments to the fund including royalties and license fees.

As introduced, LB 1057 establishes an operative date for changes made by the bill of January 1, 2013.

The committee amendment (AM 2170) adopted on general file retained the statutory assessment rate of ½ cent per bushel but omits any provisions for future revisions to the promotional assessment. The January 1, 2013 operative date of the bill as introduced is stricken by the amendment but the amendment establishes October 1, 2012 as the operative date for the commencement of the revised assessment to coincide with the sunset of the ethanol promotional

assessment. The remaining revisions would become operative on the effective date of the bill.

The committee amendment also struck gifts and grants as revenues that may be placed in the cash fund, but retains that the fund may receive repayments to the fund including royalties and license fees that may derive from Wheat Board sponsored research projects.

BILLS ADVANCED BUT NOT ENACTED

LB 927 (Louden) Change provisions of the Animal Import Act

Date of Public Hearing: 2/14/12

Date Reported from Committee: 3/5/12

Committee Amendment: AM2191

Other Adopted Amendments:

LB 927 as introduced provided for insertion of a new section into the Nebraska Animal Import Act (sections 54-784.01 to 54-796) that would require the export or import of cattle to or from a state having a registered brand system and mandatory brand inspection to be officially identified and accompanied by a certificate of veterinary inspection. The bill would further declare that a brand is accepted as official identification for purposes of this section but authorizes use of other identification methods approved by the Department

LB 927 was advanced by the committee with recommended committee amendment (AM2191) that struck the original section 2 and inserts a new section 2. Subsection (1) of the new section provided that individual identification is not required for cattle bearing a registered brand, accompanied by a state brand inspection certificate and imported directly from a mandatory brand inspection area of a state or portion of a state. Subsection (2) enumerates three exceptions to the general exemption from individual ID of cattle described in subsection (1). The Department would have authority to require individual ID for entry into the state if the Director determines:

- ☒ The brand inspection system of the sending state is insufficient to enable tracing animals to a herd of origin;
- ☒ Identification by brands only conflicts with an applicable federal animal ID regulation governing the interstate movements of cattle; or
- ☒ The cattle originate from a state or zone that is not designated tuberculosis accredited free or brucellosis Class Free or Class A by referenced federal code citations.

Subsection (3) expressly declares that this section does not impair the authority of the State Veterinarian to issue import orders imposing additional requirements for entry, including ID provisions.

The provisions of LB 927 as modified by the pending committee amendment was incorporated into LB 1050 by AM 2746 adopted during general file debate of that bill. LB 1050 did not advance beyond select file. Both LB 927 and LB 1057 were included among bills indefinitely postponed by procedural motion adopted on the final day of the session.

BILLS HELD BY THE COMMITTEE

LB 884 (Sullivan) Create the Agricultural Literacy Task Force

Date of Public Hearing: 1/31/12

LB 884 proposed creation of an Agricultural Literacy Task Force to evaluate current K-12 educational standards and curricula to determine if those standards and curricula provide Nebraska students with a meaningful understanding of agriculture and its contribution to Nebraska's economy, way of life and overall well-being.

The provided for the appointment of members of the task force, to be completed within 30 days of the effective date of the

act, to include:

- the chairperson of the Education Committee or his or her designee;
- the chairperson of the Agriculture Committee or his or her designee;
- the Commissioner of Education or his or her designee;
- the Director of Agriculture or his or her designee;
- two members representing education appointed by the chairperson of the Education Committee;
- two members representing agriculture appointed by the chair of the Agriculture Committee; and
 - one member from a private agricultural literacy entity or organization appointed by the chairperson of the Agriculture Committee.

The chairperson of the Education Committee would have been vested with authority to designate the chairman of the task force with administrative and staff support provided by the Agriculture Committee. The Task Force would meet at the call of the chairperson within 30 days after the members are appointed. The Task Force would have been directed to review state educational standards and curricula to determine if existing standards and curricula:

- provide students with a basic understanding of agriculture;
- define agriculture's role in providing food, fiber, fuel and shelter; and
- identify agriculture's impact and importance to the state's economy

The Task Force must provide a report to the Legislature enumerating their findings on or before November 15, 2012. The report shall identify and make recommendations for improvements to state educational standards and curricula intended to provide K-12 students with a knowledge and understanding of agriculture's importance in Nebraska. The Agricultural Literacy Task Force sunsets on December 31, 2012.

LB 915 (Larson) Change provisions relating to animal cruelty and create the offense of obtaining employment at an animal facility with intent to disrupt operations

Date of Public Hearing: 2/14/12

Sections 2 & 4 of LB 915 expand a duty found in 28-1017 and 54-908 to report observed incidences or reasonably suspected acts of animal or livestock cruelty to appropriate animal cruelty investigative entities. Currently this duty is limited by these sections to employees of governmental agencies dealing with child or adult protective services, animal control or animal abuse. Under current law, failure to report as prescribed is deemed an infraction. LB 915 would:

- ☒ Expand the duty to report to any person;
- ☒ Require reports made pursuant to these sections to include original documentation including video, photographs, and audio recordings that are evidence of the act of animal cruelty;
- ☒ Moves up the timeline for filing a report from 2 working days to 12 hours; and
- ☒ Increases the penalty for failure to report to a Class IV felony.

Section 3 inserts a new provision into the criminal code creating the offense of obtaining employment at an animal facility with "intent to disrupt normal operations" and defines an animal facility to mean livestock production, marketing, exhibition research and education facilities and locations utilized in the transport of animals to such facilities. Section 3 is incorporated into the criminal code by section 1 of the bill.

LB 1123 (Council) Create the Healthy Foods Financing Initiative Act

Date of Public Hearing: 2/14/12

LB 1123 would create and name the Nebraska Healthy Food Financing Initiative Act as distinct statutory sections. The bill states legislative findings and intent tying the purposes and mechanisms of the bill to public health concerns associated with lack of healthy food access and articulated public welfare objectives in stimulating financing for retail grocery and other food sourcing in underserved communities.

The primary substantive provisions are contained in sections 4 – 6 which assign specific duties and authorizations to the Rural Development Commission relating to implementation of the Nebraska Healthy Food Financing Initiative Act. Section 8 of the bill inserts harmonizing assignment of implementation of the Act within 81-3603 which enumerates duties assigned to the Rural Development Commission. Specifically, LB 1123 vests the Commission with the following duties and authorities:

- ☒ In consultation with the Departments of Agriculture and Health, and to the extent of available funding, establish a financing program to stimulate grocery retail and other types of food sourcing establishments in underserved

communities. Forms of financial assistance is enumerated to include grants, participation in loans by financial institutions, and interest rate assistance. An underserved community is defined by section 3 of the bill as a geographic area located in a lower-income or high poverty area having limited access to healthy food retailers.

Section 4, subsection (3) sets forth the following detail regarding the elements of such financing program, as follows::

1. Directs that the Rural Development Commission shall contract with one or more certified development entities as defined by cited reference to the New Market Tax Credit provisions of the Internal Revenue Code, to develop and administer the financing program.
 2. Projects eligible are identified to include new construction of grocery retail structures, grocery store renovation, expansion and infrastructure upgrades, establishment of farmers markets, community gardens, mobile markets and delivery projects that increase capacity of food retailers to obtain fresh produce, and other projects consistent with the purposes of the Act;
 3. Specific expenditures for which funding obtained through the mechanisms of the Act are enumerated to include site acquisition, construction costs, purchase of equipment and furnishing, workforce training, and predevelopment costs such as market studies and working capital for initial inventory and start-up-costs;
 4. States general criteria for projects to be eligible for financing products including that the project shall serve an underserved community, demonstrate a commitment to provide regular offerings of fruits and vegetables, and accept Supplemental Nutrition Assistance Program and WIC program benefits.
 5. States specific criteria to evaluate applicants for funding, including the applicants capacity to successfully implement the project, ability to repay debt, the extent of public funding required, and extent to which the project will provide new markets for Nebraska grown food items and a positive economic impact on the community served.
- ☒ The Nebraska Healthy Foods Financing Initiative Cash Fund is created under section 5 of the bill as a repository of any appropriated funds, and other funds acquired through gifts or grants, and transfers to the fund. States Legislative intent that the cash fund be utilized to leverage a listing of other funding.
- ☒ Section 6 states legislative intent to annually appropriate \$300,000 for purposes of the Act.

REPORT ON THE PRIORTIZING OF INTERIM STUDY RESOLUTIONS

Pursuant to Rule 4, Section 3(c)

COMMITTEE:	Agriculture	DATE: April 18, 2012
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The following resolutions were referred to the Committee on Agriculture. The committee has prioritized the resolutions in the following manner:

- 1 – Committee Priority – Staff prepare research report, interim hearings, task force or combination of committee activities
2. – Chairman Priority – Staff to compile information and prepare memoranda
3. – Senator Priority – Staff to assist individual senator's research of issue

<u>Study Category</u>	<u>Resolution No.</u>	<u>Subject</u>
1	LR 557	Interim study to examine the progress of the creation of a blender fuel pump infrastructure in Nebraska

1	LR 559	Interim study to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers
2	LR 511 ^a	Interim study to examine education standards and curricula to determine whether agriculture is incorporated as an essential component
2	LR 558	Interim study to examine legislation that has been proposed or enacted in several states to protect against disruptions of agricultural operations
2	LR 574	Interim study to review the anticipated disease traceability final rule by the Animal and Plant Health Inspection Service of the United States Dept. of Agriculture
2	LR 575	Interim study to examine the interests and any role of the Dept. of Agriculture relating to incidents of livestock neglect and abandonment
3	LR 507	Interim study to examine establishing a statewide Farm to School initiative in Nebraska
3	LR 528	Interim study to evaluate whether Knox County producers and sales facilities would benefit from the entire county being inside or outside the brand inspection area
3	LR 577 ^b	Interim study to research needs and resources related to food insecurity in Nebraska

a-- joint referral to Education Committee

b – joint referral to Health and Human Services Committee

2012 Session Interim Study Resolutions Referenced to the Agriculture Committee

LR 507 (Sullivan) **PURPOSE:** The purpose of this interim study is to examine the possibility of establishing a statewide Farm to School initiative in Nebraska similar to the Oklahoma Farm to School Program enacted in 2006, to encourage partnerships between Nebraska farmers and school districts to increase fresh local food availability in schools, and to provide students with hands-on agricultural learning opportunities. This study shall include, but not be limited to:

- (1) A review of the Oklahoma Farm to School Program Act to determine the feasibility of a similar program in Nebraska;
- (2) A review of Farm to School projects and programs in other states;
- (3) A survey of Nebraska's school district food service directors to determine interest in purchasing

locally produced food for use in school breakfast and lunch menus;

(4) A review of potential public and private agencies to partner and collaborate in developing a statewide Farm to School program that builds upon the pilot projects sponsored by the University of Nebraska Rural Initiative and the Nebraska Sustainable Agriculture Society;

(5) A review of potential hands-on agricultural learning opportunities for students, which could include farm visits, school gardens, indoor learning labs, and tasting and cooking demonstrations combined with educational and nutritional curriculum; and

(6) A review of the potential fiscal cost and impact of such a program at the state and local level.

LR 511 (Sullivan) **PURPOSE:** To study Nebraska's kindergarten through twelfth grade (K-12) education standards and curricula to determine whether agriculture is incorporated as an essential component at all grade levels in a consistent and thorough manner to provide students with agricultural literacy. For purposes of this study, agricultural literacy means a basic understanding and knowledge of agriculture and agricultural industries, social and environmental aspects of agriculture, agriculture's contributions to the health, safety, and welfare of Nebraska citizens, and the economic impact of agriculture on the state economy.

The study shall include, but not be limited to:

(1) An examination of existing statutes relating to education standards and curricula;

(2) An examination of education standards and curricula for K-12 students, including an analysis of the process, resources, research, technical data, and studies used by the State Department of Education to develop K-12 standards and curricula;

(3) An examination of K-12 education standards and curricula in surrounding states to determine whether the standards and curricula incorporate agriculture in a substantive manner; and

(4) The development of policy recommendations designed to direct and assist the State Department of Education with the incorporation of agriculture in future K-12 education standards and curricula.

The study shall be conducted by a joint committee consisting of the Agriculture and Education Committees of the Legislature. The chairpersons of the joint committee shall be the chairperson of the Agriculture Committee of the Legislature or a member of the Agriculture Committee selected by the chairperson of the Agriculture Committee and the chairperson of the Education Committee or a member of the Education Committee selected by the chairperson of the Education Committee.

In conducting the study, the joint committee shall consult with the State Department of Education, the Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources, the Nebraska Agriculture in the Classroom Program, representatives from agricultural groups, including commodity boards, representatives from education groups, including educators, administrators, and local school board members, and any other groups the joint committee deems appropriate.

LR 528 (Larson) **PURPOSE:** Under section 54-1,109, Knox County is one of the few counties where a portion of the county is included in the brand inspection area and a portion of the county is outside the brand inspection area. The purpose of this study is to evaluate whether Knox County producers and sales facilities would benefit from the entire county being either inside or outside the brand inspection area.

LR 557 (Carlson) **PURPOSE:** The purpose of this resolution is to examine the progress of the creation of a blender fuel pump infrastructure in Nebraska and programs utilized in other states to aid retailer deployment of ethanol blender pumps. The study shall further examine the role of state commodity promotion programs in helping to build this infrastructure.

LR 558 (Carlson) **PURPOSE:** The purpose of this resolution is to examine legislation that has been proposed or enacted in several states to protect against disruptions of agricultural operations, including acts of deliberate sabotage and false representations of persons seeking agricultural employment for purposes of such disruptions. It is a goal of the study to examine means of balancing societal interests in whistleblowing and undercover investigations with the privacy and security of agricultural operations.

LR 559 (Carlson) **PURPOSE:** The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level.

LR 574 (Carlson) **PURPOSE:** The purpose of this resolution is to monitor and review the anticipated disease traceability final rule by the Animal and Plant Health Inspection Service of USDA associated with the Animal Disease Traceability Comprehensive Report and Implementation Plan. The study shall further examine any role of registered livestock brands in meeting identification requirements for livestock moving in interstate commerce, and particularly technological advancements that may enhance brand registration and inspection in meeting the disease traceability goals of the pending rule.

LR 575 (Carlson) **PURPOSE:** The purpose of this resolution is to examine the interests and any role of the Nebraska Department of Agriculture relating to incidents of livestock neglect and abandonment, particularly with respect to safeguarding livestock health. The study shall seek to identify public and private resources,

and authorities, regarding the disposition of seized animals available to local officials and to recommend means to assist counties in responding to such incidents.

LR 577 (Nordquist) PURPOSE: The purpose of this resolution is to research needs and resources related to food insecurity in Nebraska. In particular, the study will address ways to improve the food security of working families. The study shall include, but not be limited to:

- (1) A review of the current food insecurity rates of low-income families and children in Nebraska;
- (2) The participation rates of low-income families in the Supplemental Nutrition Assistance Program (SNAP), the Free and Reduced Price School Lunch Program, the Emergency Food Assistance Program, the Commodities Supplemental Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children;
- (3) The demand for food assistance in families in consultation with emergency food providers, emergency food recipients, and SNAP participants;
- (4) Opportunities to leverage ag commodities to address emergency food needs; and
- (5) Opportunities to leverage federal food assistance programs to address hunger in families.